

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. WRU-03-35-272
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ORDER GRANTING WAIVER AND REQUEST FOR CONFIDENTIALITY

(Issued July 1, 2003)

On June 25, 2003, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a request for waiver of the utilization threshold requirements outlined in the Numbering Resource Optimization Orders¹ issued by the Federal Communications Commission (FCC). The request has been identified as Docket No. WRU-03-35-272. In addition, Qwest filed a request that part of its documentation substantiating the need for a waiver be designated as trade secrets and not be made available for public inspection.

WAIVER REQUEST

Qwest received a request from a corporate customer for 2,000 consecutive direct inward dialing (DID) numbers for use in expanding its current phone system to include a newly-leased building.

¹ Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, (2000) (*First Report and Order*); *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and in CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, 16 FCC Rcd 306 (2000) (*Second Report and Order*); and *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200* (2001) (*Third Report and Order*).

An examination of the switches in the Des Moines rate center by Qwest indicated that it did not have the numbering resources in its inventory to meet the criteria required by the customer. Based on available information, Board staff confirmed this finding. Additionally, the Board notes that Qwest has indicated the request is not due to a request for "vanity numbers."

On June 13, 2003, Qwest applied to the pooling administrator for two blocks of 1,000 numbers in the Des Moines rate center to meet the customer's needs. When applying for growth blocks, a carrier must fill out a months-to-exhaust worksheet. Qwest was unable to meet the months-to-exhaust requirements due to the large number of NXX codes in its current inventory, resulting in a denial by the pooling administrator.

As a result of the denial by the pooling administrator, Qwest filed its request for a waiver of the utilization threshold requirements with this Board. The FCC has delegated specific authority to state commissions to grant waiver relief "if a carrier demonstrates that has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory."² This allows the Board to direct the pooling administrator to waive the months-to-exhaust requirement where an individual case warrants such action. The present situation fits squarely within the parameters of the FCC's delegation of authority and the Board finds that the waiver is appropriate. The Board will direct NeuStar Inc., the pooling

² *Third Report and Order*, FCC 01-362, para. 64.

administrator, to provide Qwest with two sequential blocks of 1,000 numbers in the Des Moines rate center to satisfy the needs of Qwest's customers.

In delegating the authority of state commissions, the FCC specified that any resources granted pursuant to a waiver such as this are only to serve the customer for whom the application was made. If the customer request is withdrawn or declined, the numbering resources must be returned to the pooling administrator.³

CONFIDENTIALITY REQUEST

The waiver request filed by Qwest included as attachments its customer's confidential letter requesting the additional 2,000 consecutive numbers and the request made by Qwest to the pooling administrator. Qwest asserts that the material constitutes trade secrets within the meaning of Iowa Code § 22.7(3) and the Uniform Trade Secrets Act, Iowa Code § 550.2(4), and also constitutes a report to a government agency which, if released, would give advantage to competitors and serve no public interest. Qwest, therefore, requests confidential treatment of the attachments. In support of the request, Qwest has attached the affidavit of a corporate officer. The materials for which confidentiality is requested were filed separately and marked confidential.

Iowa Code § 22.7(6) provides confidential treatment for public records that are reports to government agencies and which, if released, would give advantage to competitors and which would serve no public purpose. Based on the affidavit filed by

³ *Id.*

Qwest, the Board finds that the application and affidavit filed by Qwest support a finding that the release of the letter from Qwest's customer and Qwest's request to the pooling administrator would provide an advantage to Qwest competitors. In addition, the Board finds that the release of the information would serve no public purpose. The Board finds that the information should be held confidential under the provisions of Iowa Code § 22.7(6) as requested by Qwest on June 25, 2003.

Because the Board has found the documents to be confidential pursuant to the provisions of Iowa Code § 22.7(6), it finds that it is unnecessary to address whether they also are trade secrets under Iowa Code § 22.7(3).

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The waiver request filed by Qwest Corporation on June 25, 2003, is granted. The Board directs NeuStar Inc., the pooling administrator, to provide Qwest with two sequential blocks of 1,000 numbers in the Des Moines rate center, to satisfy the immediate needs of Qwest's customers.
2. The Board directs the Executive Secretary to mail a copy of this order to NeuStar, Inc., Pooling Administration, Attn: Ms. Tara Faquhar, 1800 Sutter Street, Suite 780, Concord, CA 94520.
3. The request for confidentiality filed by Qwest Corporation on June 25, 2003, is granted pursuant to Iowa Code § 22.7(6).

4. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 1st day of July, 2003.